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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
(SAN FRANCISCO DIVISION)

IN RE: VIAGRA (SILDENAFIL CITRATE)
AND CIALIS (TADALAFIL) PRODUCTS
LIABILITY LITIGATION

Case No.: 3:16-md-02691-RS
MDL No. 2691

Case No:

GREGORY KUNCE,

Short Form Complaint

Plaintiff(s)

v.

ELI LILLY AND COMPANY,

Defendant(s).

Plaintiff(s), Gregory Kunce, incorporates by reference the Plaintiffs' Master Long Form Complaint(s) filed with United States District Court for the Northern District of California in the matter of *In re: Viagra (Sildenafil Citrate) and Cialis (Tadalafil) Products Liability Litigation*. Plaintiff(s) further show the court as follows:

1. Defendant(s) against whom Complaint is made:

- a. ☒ Eli Lilly and Company
- b. ☐ Pfizer Inc.
- c. ☐ Other (specify Defendant) _____

2. Plaintiff's Full Name:

a. Gregory Kunce

3. Name of the party or deceased who ingested Viagra/Revatio (sildenafil citrate) (hereinafter "Viagra") and/or Cialis/Adcirca (tadalafil) (hereinafter "Cialis") and suffered injury, if different than Plaintiff:

a. N/A

4. Name of additional or other Plaintiff, including loss of consortium Plaintiff(s) (i.e. administrator, executor, guardian, conservator):

a. N/A

5. Plaintiff's current city and state of residence:

a. Littleton, CO

6. District Court in which venue would be proper absent direct filing:

a. District of Colorado

7. City and state of Plaintiff or Decedent when he/she was diagnosed with melanoma:

a. Littleton, CO

8. Approximate dates that the Plaintiff or Decedent ingested Viagra (if applicable):

a. Start date: N/A

b. Stop date: N/A

9. Approximate dates that the Plaintiff or decedent ingested Cialis (if applicable):

a. Start date: 8/19/2009

b. Stop date: 12/15/2014

10. Date(s) that Plaintiff was diagnosed with melanoma which he/she alleges was caused by Viagra and/or Cialis:

a. 8/14/2015

11. Date of death of Decedent, if applicable:

a. N/A

12. Master Complaint Adopted (check one or both):

a. _____ Pfizer Master Complaint

b. X Eli Lilly Master Complaint

13. Counts in the Master Complaint(s) brought by Plaintiff(s):

a. Count 1 (Negligence): X

b. Count 2 (Gross Negligence): X

c. Count 3(Negligence Per Se): X

d. Count 4 (Unfair and Deceptive Trade Practices: Unfairness) X

e. Count 5 (Unfair and Deceptive Trade Practices: Fraud) X

f. Count 6 (Unfair and Deceptive Trade Practices: Unlawfulness) X

g. Count 7 (Strict Liability – Defective Design): X

h. Count 8 (Strict Liability – Failure to Warn): X

i. Count 9 (Failure to Test): X

j. Count 10 (Breach of Express Warranty): X

k. Count 11 (Breach of Implied Warranty): X

l. Count 12 (Fraudulent Misrepresentation and Concealment): X

m. Count 13 (Negligent Misrepresentation and Concealment): X

n. Count 14 (Fraud and Deceit): X

o. Count 15 (Willful, Wanton, and Malicious Conduct): X

p. Count 16 (Unjust Enrichment): X

q. Count 17 (Loss of Consortium): _____

r. Count 18 (Survival): _____

s. Count 19 (Wrongful Death): _____

t. Count 20 (Punitive Damages): X

u. Other: _____

14. Jury Demand

a. Pursuant to Federal Rule of Civil Procedure 38(b), Plaintiff(s) hereby demand a trial

by jury as to all claims in this action: Yes X No _____

Dated this the 16th day of May, 2017.

Respectfully submitted on behalf of the Plaintiff(s),

/s/ Ernest Cory

Ernest Cory

Kristian W. Rasmussen

Lauren S. Miller

R. Andrew Jones

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